

MEMORANDUM

Date: April 16, 2018
To: Transfer 82172
From: Brian Normandeau
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change place of use and point of diversion for split portions of two water rights consisting of 0.08 cfs/6 AF of water right 35-14042 and 0.04cfs/2 AF of water right 29-13959.

Authority to File:

The application was signed by Arthur H. Nielson, Jr., who is currently registered with the Secretary of the State as the agent for both USA Fertilizer Inc and ABN LLC. The existing water rights are currently owned by USA Fertilizer Inc per IDWR records. The portions of the water rights being transferred are changing ownership from USA Fertilizer Inc to ABN LLC. A Quitclaim Deed was included documenting conveyance of the split portions of the two rights from USA Fertilizer Inc to ABN LLC. The land at the new place of use and point of diversion is owned by ABN LLC per Bingham County parcel data.

Water Right Validity:

Both of the rights involved in this transfer were decreed 3/22/2004. WMIS data indicates right 35-14042 has been used consistently since it was decreed. USA Fertilizer is an active fertilizer company in Blackfoot. A flow meter has been installed at the USA Fertilizer site since 2012. It confirms consistent use of water right 35-14042. Water right 29-13959 is so small that there is no measurement data or evidence of historical use.

Injury to Other Water Rights:

The total volume proposed to be transfer from 29-13959 is 2 acre-feet, which would not require mitigation based on ESPA modeling. The proposed point of diversion and the existing point of diversion for right 35-14042 are within adjacent ESPA model cells. Thus, no ESPA analysis was required. The only nearby production well is also owned by the applicant.

Enlargement of Use:

No issues identified. The existing industrial use described on water rights 35-14042 and 29-13959 is fertilizer production, which is a fully consumptive use. The proposed use, production of diesel exhaust fluid, is also fully consumptive.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.